

AMENDED IN SENATE APRIL 10, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1093

Introduced by Senator Liu

February 19, 2014

An act to amend Sections 4519.5, 4629, ~~4519.5~~, and 4648 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Liu. Developmental services: regional centers: culturally and linguistically competent services.

(1) The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer, which include services and supports that are directed toward the achievement and maintenance of an independent, productive, and normal life for the consumer such as daily living skills training, are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

This bill would require that independent living skills services be available to *all* adult consumers who live in the home of a parent, relative, or ~~another person~~ *other person, or who live independently*.

(2) Existing law requires that contracts entered into with regional centers include annual performance objectives, including annual performance objectives that are specific, measurable, and, among other things, designed to develop services and supports identified as necessary to meet identified needs. Existing law also requires that each contract

with a regional center specify steps to be taken to ensure contract compliance, and, if a regional center is placed on probation pursuant to these steps, requires the department to provide the appropriate area board with a copy of the correction plan, timeline, and any other action taken by the department.

This bill would require that annual performance objectives, among other things, be designed to develop services and supports identified as necessary to meet identified needs, which includes culturally and linguistically appropriate services and supports. The bill would require that, if a regional center is placed on probation, the department also provide a copy of the correction plan, timeline, and any other action taken by the department to the Office of Clients' Rights Advocacy.

This bill would also require each regional center, in addition to those performance objectives, to develop *and implement* a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities. The bill would require a regional center to utilize a specified public process and consult with specified stakeholders in developing that plan.

(3) Existing law requires the department and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center and requires that data to include the number and percentage of individuals, categorized by age, race, or ethnicity, and disability, who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds. Existing law requires each regional center and the department to annually post this information on their respective Internet Web sites, as prescribed, and requires each regional center to hold annual stakeholder meetings regarding the data.

This bill would *additionally require the data to include* the number and percentage of individuals who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds, ~~to be subcategorized by residence type. categorized by residence type and subcategorized by age, race or ethnicity, and primary language.~~ The bill would also require the department and each regional center to maintain all preceding years' data on its Internet Web site. The bill would require that regional centers hold the annual stakeholder meetings regarding the data separately from a meeting of its board of directors, schedule the meetings at times and locations designed to result

in a high turn out by the public and underserved communities, and, in holding the meetings, consider the language needs of the community.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4519.5 of the Welfare and Institutions*
2 *Code is amended to read:*
3 4519.5. (a) The department and the regional centers shall
4 annually collaborate to compile data in a uniform manner relating
5 to purchase of service authorization, utilization, and expenditure
6 by each regional center with respect to all of the following:
7 (1) The age of consumer, categorized by the following:
8 (A) Birth to age two, inclusive.
9 (B) Three to 21, inclusive.
10 (C) Twenty-two and older.
11 (2) Race or ethnicity of the consumer.
12 (3) Primary language spoken by the consumer, and other related
13 details, as feasible.
14 (4) Disability detail, in accordance with the categories
15 established by subdivision (a) of Section 4512, and, if applicable,
16 a category specifying that the disability is unknown.
17 (5) *Residence type, subcategorized by age, race or ethnicity,*
18 *and primary language.*
19 (b) The data reported pursuant to subdivision (a) shall also
20 include the number and percentage of individuals, categorized by
21 age, race or ethnicity, and disability, *and by residence type, as set*
22 *forth in paragraph (5) of subdivision (a),* who have been
23 determined to be eligible for regional center services but are not
24 receiving purchase of service funds.
25 (c) By March 31, 2013, each regional center shall post the data
26 described in this section that is specific to the regional center on
27 its Internet Web site. Commencing on December 31, 2013, each
28 regional center shall annually post this data by December 31. *Each*
29 *regional center shall maintain all previous years' data on its*
30 *Internet Web site.*
31 (d) By March 31, 2013, the department shall post the information
32 described in this section on a statewide basis on its Internet Web
33 site. Commencing December 31, 2013, the department shall

1 annually post this information by December 31. *The department*
2 *shall maintain all previous years' data on its Internet Web site.*
3 The department shall also post notice of any regional center
4 stakeholder meetings on its Internet Web site.

5 (e) Within three months of compiling the data with the
6 department, and annually thereafter, each regional center shall
7 meet with stakeholders in ~~a one or more public-meeting meetings~~
8 regarding the data. *The meeting or meetings shall be held*
9 *separately from a meeting held pursuant to Section 4660 and shall*
10 *provide the report and discussion of the data and information in*
11 *an understandable form.* Regional centers shall inform the
12 department of the scheduling of those public meetings 30 days
13 prior to the meeting. Notice of the meetings shall also be posted
14 on the regional center's Internet Web site 30 days prior to the
15 meeting and shall be sent to individual stakeholders and groups
16 representing underserved communities in a timely manner. *Each*
17 *regional center shall, in holding the meetings required by this*
18 *subdivision, consider the language needs of the community and*
19 *shall schedule the meetings at times and locations designed to*
20 *result in a high turnout by the public and underserved communities.*

21 **SECTION 1.**

22 SEC. 2. Section 4629 of the Welfare and Institutions Code is
23 amended to read:

24 4629. (a) The state shall enter into five-year contracts with
25 regional centers, subject to the annual appropriation of funds by
26 the Legislature.

27 (b) The contracts shall include a provision requiring each
28 regional center to render services in accordance with applicable
29 provision of state laws and regulations.

30 (c) (1) The contracts shall include annual performance
31 objectives that shall do both of the following:

32 (A) Be specific, measurable, and designed to do all of the
33 following:

34 (i) Assist consumers to achieve life quality outcomes.

35 (ii) Achieve meaningful progress above the current baselines.

36 (iii) Develop services and supports identified as necessary to
37 meet identified needs, including culturally and linguistically
38 appropriate services and supports.

1 (B) Be developed through a public process as described in the
2 department's guidelines that includes, but is not limited to, all of
3 the following:

4 (i) Providing information, in an understandable form, to the
5 community about regional center services and supports, including
6 budget information and baseline data on services and supports and
7 regional center operations.

8 (ii) Conducting a public meeting where participants can provide
9 input on performance objectives and using focus groups or surveys
10 to collect information from the community.

11 (iii) Circulating a draft of the performance objectives to the
12 community for input prior to presentation at a regional center board
13 meeting where additional public input will be taken and considered
14 before adoption of the objectives.

15 (2) In addition to the performance objectives developed pursuant
16 to this section, the department may specify in the performance
17 contract additional areas of service and support that require
18 development or enhancement by the regional center. In determining
19 those areas, the department shall consider public comments from
20 individuals and organizations within the regional center catchment
21 area, the distribution of services and supports within the regional
22 center catchment area, and review how the availability of services
23 and supports in the regional area catchment area compares with
24 other regional center catchment areas.

25 (3) In addition to the performance objectives developed pursuant
26 to this section, the department shall require each regional center
27 to develop *and implement* a plan with specific and measurable
28 objectives that include activities and timelines that will lead to an
29 increase in the utilization of services by consumers impacted by
30 the purchase of service disparities identified pursuant to Sections
31 4519.5 and 4519.6. In developing that plan, a regional center shall
32 utilize the public process described in subparagraph (B) of
33 paragraph (1), and shall consider stakeholder input from the State
34 Council on Developmental Disabilities, the Office of Clients'
35 Rights Advocacy, and the protection and advocacy agency
36 described in Section 4901, and input gathered from meetings held
37 pursuant to subdivision (e) of Section 4519.5.

38 (d) Each contract with a regional center shall specify steps to
39 be taken to ensure contract compliance, including, but not limited
40 to, all of the following:

1 (1) Incentives that encourage regional centers to meet or exceed
2 performance standards.

3 (2) Levels of probationary status for regional centers that do
4 not meet, or are at risk of not meeting, performance standards. The
5 department shall require that corrective action be taken by any
6 regional center which is placed on probation. Corrective action
7 may include, but is not limited to, mandated consultation with
8 designated representatives of the Association of Regional Center
9 Agencies or a management team designated by the department, or
10 both. The department shall establish the specific timeline for the
11 implementation of corrective action and monitor its
12 implementation. When a regional center is placed on probation,
13 the department shall provide the appropriate area board and the
14 Office of Clients' Rights Advocacy with a copy of the correction
15 plan, timeline, and any other action taken by the department
16 relating to the probationary status of the regional center.

17 (e) In order to evaluate the regional center's compliance with
18 its contract performance objectives and legal obligations related
19 to those objectives, the department shall do both of the following:

20 (1) Annually assess each regional center's achievement of its
21 previous year's objectives and make the assessment, including
22 baseline data and performance objectives of the individual regional
23 centers, available to the public. The department may make a special
24 commendation of the regional centers that have best engaged the
25 community in the development of contract performance objectives
26 and have made the most meaningful progress in meeting or
27 exceeding contract performance objectives.

28 (2) Monitor the activities of the regional center to ensure
29 compliance with the provisions of its contracts, including, but not
30 limited to, reviewing all of the following:

31 (A) The regional center's public process for compliance with
32 the procedures sets forth in paragraph (2) of subdivision (c).

33 (B) Each regional center's performance objectives for
34 compliance with the criteria set forth in paragraphs (1) to (3),
35 inclusive, of subdivision (c).

36 (C) Any public comments on regional center performance
37 objectives sent to the department or to the regional centers, and
38 soliciting public input on the public process and final performance
39 standards.

1 (f) The renewal of each contract shall be contingent upon
2 compliance with the contract including, but not limited to, the
3 performance objectives, as determined through the department's
4 evaluation.

5 ~~SEC. 2. Section 4519.5 of the Welfare and Institutions Code~~
6 ~~is amended to read:~~

7 ~~4519.5. (a) The department and the regional centers shall~~
8 ~~annually collaborate to compile data in a uniform manner relating~~
9 ~~to purchase of service authorization, utilization, and expenditure~~
10 ~~by each regional center with respect to all of the following:~~

11 ~~(1) The age of consumer, categorized by the following:~~

12 ~~(A) Birth to age two, inclusive.~~

13 ~~(B) Three to 21, inclusive.~~

14 ~~(C) Twenty-two and older.~~

15 ~~(2) Race or ethnicity of the consumer.~~

16 ~~(3) Primary language spoken by the consumer, and other related~~
17 ~~details, as feasible.~~

18 ~~(4) Disability detail, in accordance with the categories~~
19 ~~established by subdivision (a) of Section 4512, and, if applicable,~~
20 ~~a category specifying that the disability is unknown.~~

21 ~~(b) The data reported pursuant to subdivision (a) shall also~~
22 ~~include the number and percentage of individuals, categorized by~~
23 ~~age, race or ethnicity, and disability, and subcategorized by~~
24 ~~residence type, who have been determined to be eligible for~~
25 ~~regional center services but are not receiving purchase of service~~
26 ~~funds.~~

27 ~~(c) By March 31, 2013, each regional center shall post the data~~
28 ~~described in this section that is specific to the regional center on~~
29 ~~its Internet Web site. Commencing on December 31, 2013, each~~
30 ~~regional center shall annually post this data by December 31. Each~~
31 ~~regional center shall maintain all previous years' data on its Internet~~
32 ~~Web site.~~

33 ~~(d) By March 31, 2013, the department shall post the information~~
34 ~~described in this section on a statewide basis on its Internet Web~~
35 ~~site. Commencing December 31, 2013, the department shall~~
36 ~~annually post this information by December 31. The department~~
37 ~~shall maintain all previous years' data on its Internet Web site.~~
38 ~~The department shall also post notice of any regional center~~
39 ~~stakeholder meetings on its Internet Web site.~~

~~(e) Within three months of compiling the data with the department, and annually thereafter, each regional center shall meet with stakeholders in one or more public meetings regarding the data. The meeting or meetings shall be held separately from a meeting held pursuant to Section 4660 and shall provide the report and discussion of the data and information in an understandable form. Regional centers shall inform the department of the scheduling of those public meetings 30 days prior to the meeting. Notice of the meetings shall also be posted on the regional center's Internet Web site 30 days prior to the meeting and shall be sent to individual stakeholders and groups representing underserved communities in a timely manner. Each regional center shall, in holding the meetings required by this subdivision, consider the language needs of the community and shall schedule the meetings at times and locations designed to result in a high turnout by the public and underserved communities.~~

SEC. 3. Section 4648 of the Welfare and Institutions Code is amended to read:

4648. In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

(2) (A) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, where appropriate, his or her family.

1 (B) In order to ensure that regional center services are provided
2 in a culturally competent manner and available to consumers from
3 diverse language, ethnic, and racial populations, independent living
4 skills services shall be available to *all* adult consumers who live
5 in the home of a parent, relative, or ~~another person~~. *other person,*
6 *or who live independently.*

7 (3) A regional center may, pursuant to vendorization or a
8 contract, purchase services or supports for a consumer from any
9 individual or agency which the regional center and consumer or,
10 where appropriate, his or her parents, legal guardian, or
11 conservator, or authorized representatives, determines will best
12 accomplish all or any part of that consumer's program plan.

13 (A) Vendorization or contracting is the process for identification,
14 selection, and utilization of service vendors or contractors, based
15 on the qualifications and other requirements necessary in order to
16 provide the service.

17 (B) A regional center may reimburse an individual or agency
18 for services or supports provided to a regional center consumer if
19 the individual or agency has a rate of payment for vendored or
20 contracted services established by the department, pursuant to this
21 division, and is providing services pursuant to an emergency
22 vendorization or has completed the vendorization procedures or
23 has entered into a contract with the regional center and continues
24 to comply with the vendorization or contracting requirements. The
25 director shall adopt regulations governing the vendorization process
26 to be utilized by the department, regional centers, vendors and the
27 individual or agency requesting vendorization.

28 (C) Regulations shall include, but not be limited to: the vendor
29 application process, and the basis for accepting or denying an
30 application; the qualification and requirements for each category
31 of services that may be provided to a regional center consumer
32 through a vendor; requirements for emergency vendorization;
33 procedures for termination of vendorization; the procedure for an
34 individual or an agency to appeal any vendorization decision made
35 by the department or regional center.

36 (D) A regional center may vendorize a licensed facility for
37 exclusive services to persons with developmental disabilities at a
38 capacity equal to or less than the facility's licensed capacity. A
39 facility already licensed on January 1, 1999, shall continue to be

1 vendorized at their full licensed capacity until the facility agrees
2 to vendorization at a reduced capacity.

3 (E) Effective July 1, 2009, notwithstanding any other ~~provision~~
4 ~~of law or regulation to the contrary~~, *regulation*, a regional center
5 shall not newly vendor a State Department of Social Services
6 licensed 24-hour residential care facility with a licensed capacity
7 of 16 or more beds, unless the facility qualifies for receipt of federal
8 funds under the Medicaid Program.

9 (4) Notwithstanding subparagraph (B) of paragraph (3), a
10 regional center may contract or issue a voucher for services and
11 supports provided to a consumer or family at a cost not to exceed
12 the maximum rate of payment for that service or support
13 established by the department. If a rate has not been established
14 by the department, the regional center may, for an interim period,
15 contract for a specified service or support with, and establish a
16 rate of payment for, any provider of the service or support
17 necessary to implement a consumer's individual program plan.
18 Contracts may be negotiated for a period of up to three years, with
19 annual review and subject to the availability of funds.

20 (5) In order to ensure the maximum flexibility and availability
21 of appropriate services and supports for persons with
22 developmental disabilities, the department shall establish and
23 maintain an equitable system of payment to providers of services
24 and supports identified as necessary to the implementation of a
25 consumers' individual program plan. The system of payment shall
26 include provision for a rate to ensure that the provider can meet
27 the special needs of consumers and provide quality services and
28 supports in the least restrictive setting as required by law.

29 (6) The regional center and the consumer, or where appropriate,
30 his or her parents, legal guardian, conservator, or authorized
31 representative, including those appointed pursuant to subdivision
32 (d) of Section 4548, subdivision (b) of Section 4701.6, or
33 subdivision (e) of Section 4705, shall, pursuant to the individual
34 program plan, consider all of the following when selecting a
35 provider of consumer services and supports:

36 (A) A provider's ability to deliver quality services or supports
37 which can accomplish all or part of the consumer's individual
38 program plan.

39 (B) A provider's success in achieving the objectives set forth
40 in the individual program plan.

1 (C) ~~Where~~—*When* appropriate, the existence of licensing,
2 accreditation, or professional certification.

3 (D) The cost of providing services or supports of comparable
4 quality by different providers, if available, shall be reviewed, and
5 the least costly available provider of comparable service, including
6 the cost of transportation, who is able to accomplish all or part of
7 the consumer's individual program plan, consistent with the
8 particular needs of the consumer and family as identified in the
9 individual program plan, shall be selected. In determining the least
10 costly provider, the availability of federal financial participation
11 shall be considered. The consumer shall not be required to use the
12 least costly provider if it will result in the consumer moving from
13 an existing provider of services or supports to more restrictive or
14 less integrated services or supports.

15 (E) The consumer's choice of providers, or, where appropriate,
16 the consumer's parent's, legal guardian's, authorized
17 representative's, or conservator's choice of providers.

18 (7) No service or support provided by any agency or individual
19 shall be continued unless the consumer or, where appropriate, his
20 or her parents, legal guardian, or conservator, or authorized
21 representative, including those appointed pursuant to subdivision
22 (d) of Section 4548, subdivision (b) of Section 4701.6, or
23 subdivision (e) of Section 4705, is satisfied and the regional center
24 and the consumer or, when appropriate, the person's parents or
25 legal guardian or conservator agree that planned services and
26 supports have been provided, and reasonable progress toward
27 objectives have been made.

28 (8) Regional center funds shall not be used to supplant the
29 budget of any agency that has a legal responsibility to serve all
30 members of the general public and is receiving public funds for
31 providing those services.

32 (9) (A) A regional center may, directly or through an agency
33 acting on behalf of the center, provide placement in, purchase of,
34 or follow-along services to persons with developmental disabilities
35 in, appropriate community living arrangements, including, but not
36 limited to, support service for consumers in homes they own or
37 lease, foster family placements, health care facilities, and licensed
38 community care facilities. In considering appropriate placement
39 alternatives for children with developmental disabilities, approval

1 by the child's parent or guardian shall be obtained before placement
2 is made.

3 (B) Effective July 1, 2012, notwithstanding any other law or
4 ~~regulation to the contrary, regulation~~, a regional center shall not
5 purchase residential services from a State Department of Social
6 Services licensed 24-hour residential care facility with a licensed
7 capacity of 16 or more beds. This prohibition on regional center
8 purchase of residential services shall not apply to any of the
9 following:

10 (i) A residential facility with a licensed capacity of 16 or more
11 beds that has been approved to participate in the department's
12 Home and Community Based Services Waiver or another existing
13 waiver program or certified to participate in the Medi-Cal program.

14 (ii) A residential facility service provider that has a written
15 agreement and specific plan prior to July 1, 2012, with the
16 vendoring regional center to downsize the existing facility by
17 transitioning its residential services to living arrangements of 15
18 beds or less or restructure the large facility to meet federal
19 Medicaid eligibility requirements on or before June 30, 2013.

20 (iii) A residential facility licensed as a mental health
21 rehabilitation center by the State Department of Mental Health or
22 successor agency under any of the following circumstances:

23 (I) The facility is eligible for Medicaid reimbursement.

24 (II) The facility has a department-approved plan in place by
25 June 30, 2013, to transition to a program structure eligible for
26 federal Medicaid funding, and this transition will be completed by
27 June 30, 2014. The department may grant an extension for the date
28 by which the transition will be completed if the facility
29 demonstrates that it has made significant progress toward transition,
30 and states with specificity the timeframe by which the transition
31 will be completed and the specified steps that will be taken to
32 accomplish the transition. A regional center may pay for the costs
33 of care and treatment of a consumer residing in the facility on June
34 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
35 department-approved plan in place by June 30, 2013, may continue
36 to pay the costs under this subparagraph until June 30, 2014, or
37 until the end of any period during which the department has granted
38 an extension.

39 (III) There is an emergency circumstance in which the regional
40 center determines that it cannot locate alternate federally eligible

1 services to meet the consumer's needs. Under such an emergency
2 circumstance, an assessment shall be completed by the regional
3 center as soon as possible and within 30 days of admission. An
4 individual program plan meeting shall be convened immediately
5 following the assessment to determine the services and supports
6 needed for stabilization and to develop a plan to transition the
7 consumer from the facility into the community. If transition is not
8 expected within 90 days of admission, an individual program plan
9 meeting shall be held to discuss the status of transition and to
10 determine if the consumer is still in need of placement in the
11 facility. Commencing October 1, 2012, this determination shall
12 be made after also considering resource options identified by the
13 statewide specialized resource service. If it is determined that
14 emergency services continue to be necessary, the regional center
15 shall submit an updated transition plan that can cover a period of
16 up to 90 days. In no event shall placements under these emergency
17 circumstances exceed 180 days.

18 (C) (i) Effective July 1, 2012, notwithstanding any other law
19 or regulation to the contrary, a regional center shall not purchase
20 new residential services from, or place a consumer in, institutions
21 for mental disease, as described in Part 5 (commencing with
22 Section 5900) of Division 5, for which federal Medicaid funding
23 is not available. Effective July 1, 2013, this prohibition applies
24 regardless of the availability of federal funding.

25 (ii) The prohibition described in clause (i) shall not apply to
26 emergencies, as determined by the regional center, when a regional
27 center cannot locate alternate services to meet the consumer's
28 needs. As soon as possible within 30 days of admission due to an
29 emergency, an assessment shall be completed by the regional
30 center. An individual program plan meeting shall be convened
31 immediately following the assessment, to determine the services
32 and supports needed for stabilization and to develop a plan to
33 transition the consumer from the facility to the community. If
34 transition is not expected within 90 days of admission, an
35 emergency program plan meeting shall be held to discuss the status
36 of the transition and to determine if the consumer is still in need
37 of placement in the facility. If emergency services continue to be
38 necessary, the regional center shall submit an updated transition
39 plan to the department for an extension of up to 90 days. Placement
40 shall not exceed 180 days.

1 (iii) To the extent feasible, prior to any admission, the regional
2 center shall consider resource options identified by the statewide
3 specialized resource service established pursuant to subdivision
4 (b) of Section 4418.25.

5 (iv) The clients' rights advocate shall be notified of each
6 admission and individual program planning meeting pursuant to
7 this subparagraph and may participate in all individual program
8 planning meetings unless the consumer objects on his or her own
9 behalf.

10 (v) Regional centers shall complete a comprehensive assessment
11 of any consumer residing in an institution for mental disease as of
12 July 1, 2012, for which federal Medicaid funding is not available,
13 and for any consumer residing in an institution for mental disease
14 as of July 1, 2013, without regard to federal funding. The
15 comprehensive assessment shall be completed prior to the
16 consumer's next scheduled individual program plan meeting and
17 shall include identification of the services and supports needed
18 and the timeline for identifying or developing those services needed
19 to transition the consumer back to the community. Effective
20 October 1, 2012, the regional center shall also consider resource
21 options identified by the statewide specialized resource service.
22 For each individual program plan meeting convened pursuant to
23 this subparagraph, the clients' rights advocate for the regional
24 center shall be notified of the meeting and may participate in the
25 meeting unless the consumer objects on his or her own behalf.

26 (D) Each person with developmental disabilities placed by the
27 regional center in a community living arrangement shall have the
28 rights specified in this division. These rights shall be brought to
29 the person's attention by any means necessary to reasonably
30 communicate these rights to each resident, provided that, at a
31 minimum, the Director of Developmental Services prepare,
32 provide, and require to be clearly posted in all residential facilities
33 and day programs a poster using simplified language and pictures
34 that is designed to be more understandable by persons with
35 cognitive disabilities and that the rights information shall also be
36 available through the regional center to each residential facility
37 and day program in alternative formats, including, but not limited
38 to, other languages, braille, and audio tapes, when necessary to
39 meet the communication needs of consumers.

1 (E) Consumers are eligible to receive supplemental services
2 including, but not limited to, additional staffing, pursuant to the
3 process described in subdivision (d) of Section 4646. Necessary
4 additional staffing that is not specifically included in the rates paid
5 to the service provider may be purchased by the regional center if
6 the additional staff are in excess of the amount required by
7 regulation and the individual's planning team determines the
8 additional services are consistent with the provisions of the
9 individual program plan. Additional staff should be periodically
10 reviewed by the planning team for consistency with the individual
11 program plan objectives in order to determine if continued use of
12 the additional staff is necessary and appropriate and if the service
13 is producing outcomes consistent with the individual program plan.
14 Regional centers shall monitor programs to ensure that the
15 additional staff is being provided and utilized appropriately.

16 (10) Emergency and crisis intervention services including, but
17 not limited to, mental health services and behavior modification
18 services, may be provided, as needed, to maintain persons with
19 developmental disabilities in the living arrangement of their own
20 choice. Crisis services shall first be provided without disrupting a
21 person's living arrangement. If crisis intervention services are
22 unsuccessful, emergency housing shall be available in the person's
23 home community. If dislocation cannot be avoided, every effort
24 shall be made to return the person to his or her living arrangement
25 of choice, with all necessary supports, as soon as possible.

26 (11) Among other service and support options, planning teams
27 shall consider the use of paid roommates or neighbors, personal
28 assistance, technical and financial assistance, and all other service
29 and support options which would result in greater self-sufficiency
30 for the consumer and cost-effectiveness to the state.

31 (12) When facilitation as specified in an individual program
32 plan requires the services of an individual, the facilitator shall be
33 of the consumer's choosing.

34 (13) The community support may be provided to assist
35 individuals with developmental disabilities to fully participate in
36 community and civic life, including, but not limited to, programs,
37 services, work opportunities, business, and activities available to
38 persons without disabilities. This facilitation shall include, but not
39 be limited to, any of the following:

1 (A) Outreach and education to programs and services within
2 the community.

3 (B) Direct support to individuals which would enable them to
4 more fully participate in their community.

5 (C) Developing unpaid natural supports when possible.

6 (14) When feasible and recommended by the individual program
7 planning team, for purposes of facilitating better and cost-effective
8 services for consumers or family members, technology, including
9 telecommunication technology, may be used in conjunction with
10 other services and supports. Technology in lieu of a consumer's
11 in-person appearances at judicial proceedings or administrative
12 due process hearings may be used only if the consumer or, when
13 appropriate, the consumer's parent, legal guardian, conservator,
14 or authorized representative, gives informed consent. Technology
15 may be used in lieu of, or in conjunction with, in-person training
16 for providers, as appropriate.

17 (15) Other services and supports may be provided as set forth
18 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

19 (16) Notwithstanding any other ~~provision of law or regulation~~
20 ~~to the contrary~~, *regulation*, effective July 1, 2009, regional centers
21 shall not purchase experimental treatments, therapeutic services,
22 or devices that have not been clinically determined or scientifically
23 proven to be effective or safe or for which risks and complications
24 are unknown. Experimental treatments or therapeutic services
25 include experimental medical or nutritional therapy when the use
26 of the product for that purpose is not a general physician practice.
27 For regional center consumers receiving these services as part of
28 their individual program plan (IPP) or individualized family service
29 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
30 1, 2009.

31 (b) (1) Advocacy for, and protection of, the civil, legal, and
32 service rights of persons with developmental disabilities as
33 established in this division.

34 (2) Whenever the advocacy efforts of a regional center to secure
35 or protect the civil, legal, or service rights of any of its consumers
36 prove ineffective, the regional center or the person with
37 developmental disabilities or his or her parents, legal guardian, or
38 other representative may request the area board to initiate action
39 under the provisions defining area board advocacy functions
40 established in this division.

1 (c) The regional center may assist consumers and families
2 directly, or through a provider, in identifying and building circles
3 of support within the community.

4 (d) In order to increase the quality of community services and
5 protect consumers, the regional center shall, when appropriate,
6 take either of the following actions:

7 (1) Identify services and supports that are ineffective or of poor
8 quality and provide or secure consultation, training, or technical
9 assistance services for any agency or individual provider to assist
10 that agency or individual provider in upgrading the quality of
11 services or supports.

12 (2) Identify providers of services or supports that may not be
13 in compliance with local, state, and federal statutes and regulations
14 and notify the appropriate licensing or regulatory authority, or
15 request the area board to investigate the possible noncompliance.

16 (e) When necessary to expand the availability of needed services
17 of good quality, a regional center may take actions that include,
18 but are not limited to, the following:

19 (1) Soliciting an individual or agency by requests for proposals
20 or other means, to provide needed services or supports not presently
21 available.

22 (2) Requesting funds from the Program Development Fund,
23 pursuant to Section 4677, or community placement plan funds
24 designated from that fund, to reimburse the startup costs needed
25 to initiate a new program of services and supports.

26 (3) Using creative and innovative service delivery models,
27 including, but not limited to, natural supports.

28 (f) Except in emergency situations, a regional center shall not
29 provide direct treatment and therapeutic services, but shall utilize
30 appropriate public and private community agencies and service
31 providers to obtain those services for its consumers.

32 (g) ~~Where~~ When there are identified gaps in the system of
33 services and ~~supports~~ *supports*, or ~~where~~ when there are identified
34 consumers for whom no provider will provide services and supports
35 contained in his or her individual program plan, the department
36 may provide the services and supports directly.

37 (h) At least annually, regional centers shall provide the
38 consumer, his or her parents, legal guardian, conservator, or
39 authorized representative a statement of services and supports the
40 regional center purchased for the purpose of ensuring that they are

- 1 delivered. The statement shall include the type, unit, month, and
- 2 cost of services and supports purchased.

O